



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/825,772	04/04/2001	George J. Chanos	CHANOS.001A	3658
20995	7590	11/02/2005	EXAMINER	
KNOBBE MARTENS OLSON & BEAR LLP			JANVIER, JEAN D	
2040 MAIN STREET			ART UNIT	
FOURTEENTH FLOOR			PAPER NUMBER	
IRVINE, CA 92614			3622	

DATE MAILED: 11/02/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/825,772

Applicant(s)

CHANOS, GEORGE J.

Examiner

Jean Janvier

Art Unit

3622

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-58 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☐ Claim(s) \_\_\_\_ is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☒ Claim(s) 1-58 are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____.  |

### **Response To Applicant's Arguments**

First of all, the Examiner never required the Applicant to elect an invention or a group of claims for prosecution only from Group I and Group VI, thereby limiting the Applicant's choice. Indeed, Group I and Group VI were used only as an example in the restriction, but not as a limitation. Furthermore, the Applicant had correctly noted that claims 55-58 were not included in any of the foregoing groups. The Examiner felt compelled to herein address these issues by re-issuing the restriction requirement, as seen below. The Applicant has one month or thirty to respond to this correspondence.

### ***Election/Restrictions***

Restriction to one of the following inventions is required under 35 U.S.C. 121:

- I. Claims 1-3 and 12-29, drawn to a system for delivering to a consumer specific consumer product information (electronic documents) comprising a filtering module for allowing the consumer to filter the product information to select one or more product, **a subscription module for allowing the consumer to subscribe to one or more request services for each of the selected one or more products** and formatting module, after receiving consumer information from one or more vendors of the selected one or more products, for generating one or more deliverables having portions of the consumer information corresponding to the one or more request services subscribed to by the consumer.

- II. Claims 4-11, drawn to a method of and a system for **receiving a selection of one or more filtering mechanism designed to filter information into organized product listings with at least one filtering mechanism comprising Boolean and Natural Language searching capabilities and** providing a consumer with the organized product listings corresponding to the consumer's selections from the organized product listings.
- III. Claims 30-45 and 55-58, drawn to a method of and a system for receiving a selection of a product by the consumer, **organizing consumer information about the product into specific subject areas and receiving a selection of one or more of the specific subject areas from the consumer and, in response, formatting....**
- IV. Claims 46-51, drawn to a method of and a system for gathering product listings from multiple vendors, **organizing the product listings by brand (company) and providing a consumer with an option to request additional information about at least one product in the product listings marketed under at least one brand.**
- V. Claims 52, drawn to a method of and a system for gathering product listings from multiple vendors, **organizing the product listings by product** and providing a

Art Unit: 3622

consumer with an option to request additional information about at least one product in the product listings.

- VI. Claims 53 and 54, drawn to a method of and a system for **placing advertising information for one or more products with consumers directly interested in the one or more products comprising providing the advertising information for a product to an online company....**

The inventions are distinct, each from the other because of the following reasons:

**For example**, inventions I and VI are related as combination and subcombination.

Inventions in this relationship are distinct if it can be shown that (1) the combination as claimed does not require the particulars of the subcombination as claimed for patentability, and (2) that the subcombination has utility by itself or in other combinations (MPEP § 806.05(c)). In the instant case, the combination, as shown above, does not require the particulars of the subcombination as claimed. Indeed, the subcombination has separate utility such as **placing advertising information for one or more products with consumers directly interested in the one or more products comprising providing the advertising information for a product to an online company....**

Because these inventions are distinct for the reasons given above and the search required for Group I, for example, is not required for Group VI, restriction for examination purposes as indicated is proper.

Art Unit: 3622

Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).

### Conclusion

Any inquiry concerning this communication from the Examiner should be directed to Jean D. Janvier, whose telephone number is (571) 272-6719. The aforementioned can normally be reached Monday-Thursday from 10:00AM to 6:00 PM EST. If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's Supervisor, Mr. Eric W. Stamber, can be reached at (571) 272- 6724.

Non-Official- 571-273-6719.

Official Draft (effective on 7/15/05).

07/10/05

JDJ

Jean D. Janvier

Patent Examiner

Art Unit 3622

J. D. JANVIER  
PRIMARY EXAMINER

A handwritten signature in cursive script that reads "Jean D. Janvier". The signature is written in black ink and is positioned below the printed name and title of the examiner.